

**CITY OF HORSESHOE BAY**

**ORDINANCE NO. ORD 080617E**

**AMENDMENT TO BUILDING PERMIT ORDINANCE NO. ORD 06-04-18D TO  
REQUIRE CERTIFICATES OF OCCUPANCY FOR NEW BUILDINGS AND  
COMPLIANCE INSPECTIONS FOR EXISTING BUILDINGS**

**AN ORDINANCE OF THE CITY OF HORSESHOE BAY, TEXAS  
AMENDING ORDINANCE NO. ORD 06-04-18D, BUILDING PERMIT  
ORDINANCE, ADOPTED APRIL 18, 2006, BY DELETING CERTAIN  
DEFINITIONS, ADDING NEW DEFINITIONS, ADDING A NEW  
ARTICLE IV TO REQUIRE THAT OWNERS OF NEW BUILDINGS OR  
REMODELS MUST HAVE A CERTIFICATE OF OCCUPANCY PRIOR  
TO THE NEW BUILDING BEING OCCUPIED AND REQUIRING  
OWNERS OF BUILDINGS THAT HAVE BEEN VACANT MORE THAN  
60 DAYS TO APPLY FOR AND OBTAIN A COMPLIANCE INSPECTION  
PRIOR TO THE VACATED BUILDING, RESIDENCE, APARTMENT OR  
CONDOMINIUM UNIT BEING REOCCUPIED; AMENDING SECTION  
VI TO REFLECT THE NEW DEFINITIONS; PROVIDING FOR AN  
EFFECTIVE DATE, REPEALER, SEVERABILITY, AND PROPER  
NOTICE AND MEETING.**

**WHEREAS**, the City of Horseshoe Bay has adopted and is administering the International Building Code, 2003 Edition, and

**WHEREAS**, the International Building Code 2003 Edition requires that no building shall be occupied without the Building Official having issued a Certificate of Occupancy, and

**WHEREAS**, the City Council of the City of Horseshoe Bay has found that there exists and in the future may exist building occupancies that are likely to affect the health, safety, and general welfare of the citizens and inhabitants of the Town, and

**WHEREAS**, the City Council of the City of Horseshoe Bay recognizes the need for the Development Services Department to maintain accurate records on the occupancy status of all buildings in the City of Horseshoe Bay.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
HORSESHOE BAY, TEXAS:**

**I. FINDINGS OF FACT**

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

## **II. AMENDMENT OF DEFINITIONS**

(a) Section II (b) of Ordinance 06-04-18D is hereby amended by deleting the definition of Occupancy Permit

(b) Section II (b) of Ordinance 06-04-18D is hereby amended by adding the following definitions:

*Certificate of Occupancy* means a certificate that must be obtained from the City by a landowner signifying completion of a new construction or remodeling Project and that all requirements of the City have been met before utilities can be turned on and the completed Project may be occupied.

*Compliance Inspection* means an inspection that must be obtained from the City by a landowner prior to re-occupancy of a vacant house, apartment or condominium, signifying that all necessary codes and requirements of the City have been met before utilities can be turned on and the commercial or residential building or unit may be occupied.

## **III. NEW ARTICLE IV**

The following Section is added in place of existing Article IV of Ordinance 06-04-18D, and that existing Article IV and all subsequent Articles are renumbered in sequence thereafter.

### **IV. NO OCCUPANCY PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY OR A COMPLIANCE INSPECTION**

(a) A Certificate of Occupancy is required prior to utilities being turned on and a new residential dwelling or commercial building being occupied. The Certificate of Occupancy does not require a separate application, and will be issued by the Development Services Department after the Building Inspector has completed a final inspection of the premises finding that it meets all requirements. No City utilities will be turned on and the building or unit cannot be occupied until the Certificate of Occupancy is provided to Utilities Customer Service.

(b) A Compliance Inspection is required for any residential or commercial building or unit that has been vacant and had utilities turned off for 60 days or more, before utilities can be turned on and the building can be reoccupied. A Compliance Inspection application shall be completed and submitted to the Development Services Department along with a \$50.00 nonrefundable fee.

(c) The Certificate of Occupancy/Compliance Inspection application shall be signed by the Building Inspector after the commercial or residential building or unit has been inspected and determined to be ready for occupancy in accordance with state and local laws, and applicable codes, and/or any Planned Development Ordinance or Development Agreement.

(d) After the Certificate of Occupancy/Compliance Inspection has been issued, it must be presented to Utilities Customer Service in order for utilities to be turned on and the commercial or residential building or unit to be occupied.

(e) Enforcement

(1) No person or business may occupy a commercial or residential building or unit until the Certificate of Occupancy/Compliance Inspection has been issued and utilities have been turned on. Any person or business occupying a building prior to the issuance of a Certificate of Occupancy/Compliance Inspection and utilities being turned on is subject to a fine of no less than Five Hundred Dollars (\$500) and no more than Two Thousand Dollars (\$2,000) for each violation plus all costs, fees, penalties, assessments, surcharges, and other charges. Each day a violation occurs or exists shall be considered a separate violation.

(2) All costs incurred by the City relating to enforcement or in making the determinations or inspections necessary hereunder shall be paid by the applicant/owner including, but not limited to, City administrative costs, City inspection costs, and attorney's fees.

#### **IV. AMENDMENTS TO EXISTING SECTION VI (a) AND SECTION VI (b)**

(a) Section VI (a) of Ordinance 06-04-18D is hereby amended to read as follows:

(1) Deposit Required

In addition to the Building Permit fees and utility hook-up charges set out above, a deposit in the same amount as the permit fee shall be paid to the City. The deposit is refundable to the Applicant who made the deposit after a Certificate of Occupancy or Compliance Inspection is issued and the Building Inspector has authorized the refund. The Applicant shall be provided a copy of this section when the deposit is delivered, providing notice of the possibility that deductions will be made for certain acts as set out herein. Additionally, the Applicant shall agree, in writing, that deductions may be made from the deposit for the acts described in Sections VI.(b) and VII.(c)(1).

(b) Section VI (b) (1) of Ordinance 06-04-18D is hereby amended to read as follows:

(1) Deposit Deductions & Forfeiture

Forfeiture on New Construction Projects: If the structure is occupied before the City issues a Certificate of Occupancy, the deposit is forfeited in its entirety.

(c) New Section VI (b) (2) is hereby added to Ordinance 06-04-18 D to read as follows and former Section VI (b) (2) and later Sections are hereby renumbered in sequence:

(b) Deposit Deductions & Forfeiture

Forfeiture on Change of Occupancy Projects: If the building or unit is occupied before the City issues a Compliance Inspection Certificate, the deposit is forfeited in its entirety.

## VI. EFFECTIVE DATE

This Ordinance shall be and become effective immediately upon and after its passage and publication as may be required by governing law.

## VII. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

## VIII. SEVERABILITY

Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.

## IX. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**ADOPTED AND APPROVED** on this 17<sup>th</sup> day of June, 2008 by a vote of the City Council of the City of Horseshoe Bay, Texas.

**CITY OF HORSESHOE BAY, TEXAS**

/S/  
**Robert W. Lambert, Mayor**

**Attest:**

**/S/  
Teresa L. Moore, City Secretary**